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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 RUSSELL R. WILLS,

9 Plaintiff,

v.

10 PIERCE COUNTY, et al.,

11 Defendants.

CASE NO. C19-5851 BHS

ORDER GRANTING
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT

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13 This matter comes before the Court on Defendant Michael Stanfill's ("Stanfill")
14 motion for summary judgment. Dkt. 29. The Court has considered the pleadings filed in
15 support of and in opposition to the motion and the remainder of the file and hereby grants
16 the motion for the reasons stated herein.

17 **I. PROCEDURAL HISTORY**

18 On August 9, 2019, Plaintiff Russell Wills ("Wills") filed a complaint in Pierce
19 County Superior Court for the State of Washington against multiple parties including
20 Stanfill. Dkt. 1-2. Wills's sole allegation is "violations of [his] civil rights on several
21 different levels, punitive damages." *Id.* at 3.
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1 On September 11, 2019, some defendants removed the matter to this Court. Dkt.

2 1.

3 On November 29, 2019, Wills improperly filed a supplemental complaint. Dkt.

4 25.

5 On December 31, 2019, Stanfill filed a motion for summary judgment. Dkt. 29.

6 On January 24, 2020, Stanfill filed a reply. Dkt. 32. On January 28, 2020, Wills filed an
7 untimely response. Dkt. 33.

8 **II. FACTUAL BACKGROUND**

9 The relevant facts are undisputed. Wills's public defender retained Stanfill to
10 conduct a competency evaluation on Wills to determine whether Wills was competent to
11 stand trial or whether Wills could assert certain affirmative defenses based on his mental
12 health. On February 27, 2017, Stanfill conducted the evaluation to which Wills
13 voluntarily agreed. After the consultation, Stanfill drafted a report and sent it to Wills's
14 attorney. Dkt. 33-3. Wills eventually entered into a plea agreement pleading guilty to
15 Intimidating a Public Servant and the court sentenced Wills to nine months of
16 incarceration. Dkt. 31-2.

17 **III. DISCUSSION**

18 **A. Summary Judgment Standard**

19 Summary judgment is proper only if the pleadings, the discovery and disclosure
20 materials on file, and any affidavits show that there is no genuine issue as to any material
21 fact and that the movant is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c).
22 The moving party is entitled to judgment as a matter of law when the nonmoving party

1 fails to make a sufficient showing on an essential element of a claim in the case on which
2 the nonmoving party has the burden of proof. *Celotex Corp. v. Catrett*, 477 U.S. 317,
3 323 (1986). There is no genuine issue of fact for trial where the record, taken as a whole,
4 could not lead a rational trier of fact to find for the nonmoving party. *Matsushita Elec.*
5 *Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986) (nonmoving party must
6 present specific, significant probative evidence, not simply “some metaphysical doubt”).
7 *See also* Fed. R. Civ. P. 56(e). Conversely, a genuine dispute over a material fact exists
8 if there is sufficient evidence supporting the claimed factual dispute, requiring a judge or
9 jury to resolve the differing versions of the truth. *Anderson v. Liberty Lobby, Inc.*, 477
10 U.S. 242, 253 (1986); *T.W. Elec. Serv., Inc. v. Pac. Elec. Contractors Ass’n*, 809 F.2d
11 626, 630 (9th Cir. 1987).

12 The determination of the existence of a material fact is often a close question. The
13 Court must consider the substantive evidentiary burden that the nonmoving party must
14 meet at trial—e.g., a preponderance of the evidence in most civil cases. *Anderson*, 477
15 U.S. at 254; *T.W. Elec. Serv., Inc.*, 809 F.2d at 630. The Court must resolve any factual
16 issues of controversy in favor of the nonmoving party only when the facts specifically
17 attested by that party contradict facts specifically attested by the moving party. The
18 nonmoving party may not merely state that it will discredit the moving party’s evidence
19 at trial, in the hopes that evidence can be developed at trial to support the claim. *T.W.*
20 *Elec. Serv., Inc.*, 809 F.2d at 630 (relying on *Anderson*, 477 U.S. at 255). Conclusory,
21 nonspecific statements in affidavits are not sufficient, and missing facts will not be
22 presumed. *Lujan v. Nat’l Wildlife Fed’n*, 497 U.S. 871, 888–89 (1990).

1 **B. Merits**

2 Reading Wills's complaint in the light most favorable to him, the Court agrees
3 with Stanfill that Wills asserts (1) a claim under 42 U.S.C. § 1983 for violations of his
4 civil rights, (2) a claim under Title II of the Americans With Disabilities Act ("ADA"),
5 and (3) a claim for medical malpractice under Washington law. Wills's response does
6 not contest this reading of his complaint. Regarding the first two claims, Wills has failed
7 to establish that Stanfill was acting under color of law to support a claim under § 1983 or
8 that he was a government actor to support an ADA claim. Regarding the state law claim,
9 Stanfill has established that he is entitled to quasi-judicial immunity when he conducted
10 the evaluation for purposes of Wills's criminal proceeding and Wills has failed to submit
11 any expert opinion establishing that Stanfill's conduct fell below the standard of
12 reasonable care. Therefore, the Court grants Stanfill's motion on Wills's claims.

13 **IV. ORDER**

14 Therefore, it is hereby **ORDERED** that Stanfill's motion for summary judgment,
15 Dkt. 29, is **GRANTED**.

16 The Clerk shall terminate Stanfill.

17 Dated this 28th day of February, 2020.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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